

AUG 23 2001

"CERTIFIED TRUE COPY"

FILED

NEW JERSEY
CEMETERY BOARD

Susan H. Kattane

SEP 13 2001

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for New Jersey Cemetery Board

By: Nancy Costello Miller
Deputy Attorney General
(973) 648-4735

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY CEMETERY BOARD

IN THE MATTER OF

FAIRVIEW CEMETERY
CERTIFICATE OF AUTHORITY # 93

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey Cemetery Board ("Board") upon receipt of information that Fairview Cemetery, holder of Certificate of Authority # 93 ("respondent"), had failed to comply with the New Jersey Cemetery Act and Board regulations. Specifically, the Board's review of the annual Maintenance and Preservation Fund report, the minutes of Board of Trustees meetings, correspondence, and tax returns demonstrated that respondent failed to have the assets of the Maintenance and Preservation Fund held in a custodial account in a New Jersey banking

institution as required by N.J.S.A. 8A: 4-3, and had permitted \$1.4 million in assets of the Fund to be held in Investment Partners' Group, an account controlled by an officer of Fairview Cemetery.

Having reviewed the entire record, including the documents provided by Richard Ralph, Treasurer of Fairview Cemetery, it appears to the Board that the funds which were in non custodial accounts have now been placed in an appropriate financial institution.

These facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h). It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:


IT IS ON THIS *8th* DAY OF *August*, 2001

HEREBY ORDERED AND AGREED THAT:


1. Respondent shall cease and desist from failing to comply with the statutory and regulatory requirements related to Maintenance and Preservation Trust Funds, including but not limited to maintaining such account in a custodial account in a New Jersey banking institution.
2. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22 in the amount of \$2,500 for conduct with respect to failing to maintain its Maintenance and Preservation Fund trust account in a custodial account in a New Jersey banking institution. Payment for the civil penalties shall be made no later than thirty (30) days from the entry of this Consent Order and shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Susan H. Gartland, Executive Director, New Jersey Cemetery Board, P.O. Box 45036, Newark, New Jersey 07171. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY CEMETERY BOARD

By: 
Frank DeGeeter
Board Chairman

I certify that I am authorized to act on behalf of Fairview Cemetery. I have read and understand this Consent Order and, on behalf of Fairview Cemetery, agree to be bound by its terms. Fairview Cemetery consents to the entry of this Order.


Name and title
PRESIDENT

8-20-2001
Date

THE BACK OF THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED IN A SPECIAL WHITE INK.



Fleet

OFFICIAL CHECK

HOLD THE DOCUMENT AT A SMALL ANGLE TO SEE THIS SECURITY FEATURE

118986971

Remitter

Fairview Cemetery

AUG 21, 01

23-97
1020

Date

92766

PAY

TO THE ORDER OF

*****2,500*DOLLARS*AND*00*CENTS*****2,500.00

STATE OF NEW JERSEY***

Drawer: Fleet Bank

Lorraine Lapigue
SIGNATURE

Issued By Integrated Payment Systems Inc., Englewood, Colorado
Bank One Colorado N.A., Denver, Colorado

⑈555000⑈ ⑆102000979⑆ 68001189869714⑈

THE VARIABLE TONE BACKGROUND AREA OF THIS DOCUMENT CHANGES COLOR GRADUALLY AND SMOOTHLY FROM DARKER TONES AT BOTH TOP AND BOTTOM TO THE LIGHTEST TONE IN THE MIDDLE.